

Agenda item	11.1
Report no	HLC/035/17

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 9 June 2017

Report title: Application for the grant of a taxi driver's licence – Mariusz Roszak (Ward 19 – Inverness South)

Report by: The Principal Solicitor – Regulatory Services

1. Purpose/Executive Summary

1.1 This Report relates to an application for the grant of a taxi driver's licence.

2. Recommendation

2.2 Members are asked to determine the application in accordance with the Council's Hearings Procedure.

3. Background

3.1 The Highland Council has resolved that in terms of the Civic Government (Scotland) Act 1982 a licence will be required for the driving of a licensed taxi. A licence for the same is issued by the Highland Council and is valid for the whole Council Area.

4. Application

4.1 On 13 January 2017 an application for the grant of a taxi driver's licence was received from Mr Mariusz Roszak.

4.2 In terms of the abovementioned Act the licensing authority have six months from receipt of the application to determine the same, therefore this application must be determined by 12 July 2017. Failure to determine the application by this time would result in the application being subject of a 'deemed grant' which means that a licence would require to be issued to Mr Roszak for a period of 1 year. The application is before this Committee as this is the last meeting before the determination period expires.

5. Process

5.1 Following receipt of the application a copy of the same was circulated to the following Agencies/Services for consultation:

- Police Scotland
- Highland Council Trading Standards Service

5.2 Both Agencies/Services have confirmed that they have no objections to the application.

6. Taxi driver's knowledge test

6.1 The Council's policy in respect of taxi driver's knowledge test states that an applicant is permitted a maximum of three attempts. Should they fail all three attempts the application requires to be referred to the Highland Licensing Committee for consideration.

6.2 The applicant has not yet sat and passed the knowledge test despite a number of attempts to contact him to arrange for a suitable date and time for the same.

7. Right to work and foreign conviction check

7.1 Part of the process in relation to determining an application for a taxi driver's licence is to carry out a right to work check and also, where the applicant was born or has resided outside of the UK, the applicant must produce a criminal record check from that country or countries.

7.2 Again attempts have been made to contact the applicant in relation to the above however no response has been received.

8. Policies

8.1 The following policies are relevant to this case:

Standard taxi driver's licence conditions. A copy of these can accessed at http://www.highland.gov.uk/directory_record/738739/taxi_and_private_hire/category/501/taxi_and_private_hire

or a hard copy can be supplied where requested.

9. Determining issues

9.1 Paragraph 5(3) of Schedule 1 of the Civic Government (Scotland) Act 1982 states that a licensing authority may refuse an application to grant or renew a licence where:

- (a) the applicant or anyone else detailed on the application is not a fit and proper person;
- (b) the activity would be carried out by a person other than the applicant who, if he had made the application himself, would have been refused;
- (c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to
 - (i) the location, character or condition of premises or the character or condition of the vehicle or vessel,
 - (ii) the nature and extent of the proposed activity,
 - (iii) the kind of persons likely to be in the premises, vehicle or vessel,
 - (iv) the possibility of undue public nuisance, or
 - (v) public order or public safety; or
- (d) there is other good reason for refusing the application.

If required the Principal Solicitor – Regulatory Services will offer particular advice on the criteria relating to this particular application.

9.2 A copy of this Report and has been sent to the applicant who, in the terms of Paragraph 4(2) of the Civic Government (Scotland) Act 1982, has been invited to attend and will be provided with an opportunity to be heard by the Committee. He has also been advised of the procedure which will be followed at the meeting.

10. Implications

10.1 Not applicable.

Date: 22 May 2017

Author: Michael Elsey

Ref: TD

Background Papers: Civic Government (Scotland) Act 1982